

SEP 22 2003

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# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of a utility or plant application  
filed on or after June 8, 1995  
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/837,234
Filing Date	April 18, 2001
First Named Inventor	D. KLUG et al.
Group Art Unit	1761
Examiner Name	L. TRAN
Attorney Docket Number	88265-4026

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## **1. Submission required under 37 C.F.R. § 1.114**

- a. ☒ Previously submitted
  - i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on July 31, 2003, and  
(Any unentered amendment(s) referred to above will be entered).
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
  - i. ☒ Reply with Petition for Extension of Time
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☐ Information Disclosure Statement (IDS)
  - iv. ☐ Other: Fee Transmittal

## **2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other \_\_\_\_\_

## **3. Fees**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1814
  - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e), which is believed to be \$750.00.
  - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name: Jeffrey A. Wolfson (Reg. No. 42,234) For: Allan A. Fanucci (Reg. No. 30,256)

Signature:

*Jeffrey A. Wolfson*

Date: 9/22/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: D. KLUG, *et al.*

Confirmation No.: 1401

Application No.: 09/837,234

Group Art Unit: 1761

Filing Date: April 18, 2001

Examiner: Lien Tran

For: SUGAR WAFER WITH CONFECTIONERY  
FILLING AND METHOD FOR MAKING  
SAME

Attorney Docket No.: 88265-4026

**RESPONSE**

**Mail Stop RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action mailed March 20, 2003 and the Advisory Action mailed September 17, 2003, Applicants submit the following remarks for entry into the above-identified application.

Applicants also submit herewith a Request for Continued Examination ("RCE") and a Petition for Extension of Time to extend from the fifth month date of August 20, 2003 to and including September 22, 2003 (since September 20, 2003 falls on a Saturday), each with provision for the required fee. Applicants have also requested in the RCE that the Amendment filed July 31, 2003 be entered and considered at this time. Thus, the comments herein are directed solely at responding to the Advisory Action.

The **REMARKS** section begins on page 2 of this paper.

Should any additional fees be due, however, please charge the required fees to Winston & Strawn LLP Deposit Account No. 50-1814.